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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/726,987	11/30/2000	Magnus Hollstrom	47253-00014	2119

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EXAMINER

NGUYEN, SIMON

ART UNIT PAPER NUMBER

2685

DATE MAILED: 08/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/726,987

Applicant(s)

HOLLSTROM ET AL

Examiner

SIMON D. NGUYEN

Art Unit

2685

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 12-15, 18-19, 21-22, 25-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saarela et al. (6,366,785) in view of Megyesi (5,544,230).

Regarding claim 1, Saarela discloses a method of playing back audio signals in a first communications device, transmitting the audio signals to a second communication device, and playing back the audio signals in the second communication device (column 3 line 18 to column 4 line 50), wherein the audio signals is played back (replay) in the first communication device (abstract, column 4 lines 4-5), wherein the playing back of the audio signals in other communication device occurs simultaneously (directly) with the playing back of the audio signals in the first communication device (column 1 lines 41-54). However, Saarela does not specifically disclose audibly playing back in the first communication device.

Megyesi discloses method and apparatus for recording and playing back a sale message in a sale representative' telephone and transmitting the sale message to other phone (#32) or a customer or a caller (abstract, figs.1-2, column 4 line 62 to column 5 line 55), wherein the recorded sale message is audibly played back in the sale

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representative's telephone and also transmitted to the customer, wherein the customer or telephone 32 (or a customer or a caller) simultaneously listen to the recorded sale message (column 4 line 62 to column 5 line 55) (it should be noted that Megyesi discloses if the customer represents with a comment or question the sale representative may stop the playback of the recorded message which means the sale representative is listening to the recorded message when it is playing which means audibly playing back audio signals in the representative's phone) (column 5 lines 12-26). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have Saarela, modified by Megyesi to have a real voice conversation with a recorded message happening in one connection between two telephones in order to improve the way to communication as well as the entertainment between two communication devices.

Regarding claims 12-13, these claims are rejected for the same reason as set forth in claim 1.

Regarding claim 18, this claim is rejected for the same reason as set forth in claim 1, wherein an accessory device (document outbox) plays back audio signals (recorded voice signals) and transmits to other telephone (figs.1, 2, column 3 lines 40-67).

Regarding claims 2-3, 14, Saarela further discloses the first communication device is a mobile telephone (cellular) and the second communication device is a telephone (fig.1).

Regarding claim 15, Saarela further discloses the communication device is adapted for use in a public network (column 3 lines 21-22).

Regarding claim 19, Saarela discloses the public network comprises a GSM network (column 3 line 51).

Regarding claims 21-22, Saarela discloses the public network is a GSM network (column 2 line 10) and a digital network (column 4 lines 12-14). However, Saarela does not specifically disclose the public network as an enhance data rates of GSM (EDGE) and a WCDMA. It should be noted that the GSM of Saarela can be modified to become an EDGE network and the GSM is either a CDMA or a Wide CDMA. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to convert the Saarela system into the EDGE and WCDMA to handle different data rates of digital audio signals in order to improve the system performance.

Regarding claims 25-28, Saarela system discloses the first and second devices simultaneously play the same audio signal (column 1 lines 41-54).

3. Claims 4-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saarela et al. (6,366,785), in view of Megyesi (5,544,230), and further in view of Segal et al. (6,167,251).

Regarding claim 4, 9, the modified Saarela discloses the step of establishing a connection through the network between the first and second device and transmitting the audio signals to the second device (fig.1). However, Saarela does not specifically disclose the steps of establishing a conversation prior to transmitting the audio signals.

Segal discloses the steps of establishing a call conversation between the server and the mobile phone (second device) (column 12 lines 13-25), and transmitting audio signals to the second device and wherein the audio signals are transmitted from the network (base station) to the communication device (fig.29, column 30 lines 15-37). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have modified Saarela, modified by Segal to combine audio signals and voice signals in one channel in order to transmit voice and audio signals simultaneously.

Regarding claims 5-7, the modified Saarela system, Saarela discloses a voice channel (column 1 lines 58-60) and a data channel (column 2 lines 4-9), and Segal discloses voice mixed with audio signals (column 16 lines 1-8, column 32 lines 24-30).

Regarding claim 8, Saarela discloses the voice signal transmitted by a voice channel (column 3 lines 55-57) and the audio signal by a data channel (signaling channel)(column 3 lines 58-60, column 4 lines 31-31).

4. Claims 16-17, 20, and 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saarela et al. (6,366,785) in view of Megyesi, and further in view of Schuster et al. (6,446,127).

Regarding claims 16, 20, 23-24, the modified Saarela system does not specifically disclose the communication device is adapted to use in a wireless short range, as bluetooth, infrared, and in a GPRS network.

Schuster, in the same kind of invention, discloses the communication device is adapted to use in a wireless short range as a Bluetooth, and an infrared (column 7 lines

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33-43), and being used in a packet network (column 14 lines 5-36) as a GPRS.

Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have the modified Saarela system, modified by Schuster to implement a short-range transceiver with a packet network in order to improve the system performance without significantly increasing cost of the telephone.

Regarding claim 17, Saarela discloses the audio signal (recorded message) integrated in the communication device (fig.1, column 3 lines 38-60).

5. Claims 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saarela et al. (6,366,785) in view of Megyesi (5,544,230) and Segal et al. (6,167,251) as applied to claim 9, and further in view of Abecassis et al. (6,192,340).

Regarding claims 10-11, the modified Saarela discloses the audio signals are digitized (column 3 lines 26-27), Segal discloses the audio signals used in MP3. However, the modified Saarela system does not specifically disclose that the audio signals are compressed.

Abecassis discloses a playback audio communication system in which audio signal is digitized and compressed in a MP3 format (column 5 line 40, column 7 line 32). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have modified Saarela system, modified by Abecassis in order to store double or triple audio data than in the same uncompressed storage area.

Response to Arguments

6. Applicant's arguments with respect to claims 1, 12, 13, and 18 have been considered but are moot in view of the new ground(s) of rejection.

The new art of Megyesi discloses a telephone having a recorder for recording an audio message, audibly playing back the audio message in the telephone, and transmitting the recorded audio message to other communication device, and playing back the same recorded audio message to the other communication device (see the rejection above).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Simon Nguyen whose telephone number is (571) 272-7894. The examiner can normally be reached on Monday-Friday from 7:00 AM to 4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward F. Urban, can be reached on (571) 272-7899.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 306-0377.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

600 Dulany, Alexandria, VA 22314

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Or faxed to:

(571) 273-8300 (for formal communications intended for entry)

Hand-delivered response should be brought to Customer Service Window
located at the Randolph Building, 401 Dulany, Alexandria, VA, 22314.

Simon Nguyen

August 1, 2005

**SIMON NGUYEN
PRIMARY EXAMINER**

Simon Nguyen